

I am writing to express my strong opposition to NPR #02-230. Congress has already explicitly rejected the so-called "broadcast flag", correctly citing the infringement on consumers' fair-use rights, as upheld in the Betamax case, and the potential damage to a huge range of both fielded and yet-to-be-invented devices.

The FCC should -not- propose, suggest, mandate, or otherwise be facilitating the imposition of the "broadcast flag" or any other anti-time-shifting or anti-copying technologies, since NOT ONE has yet been shown not to infringe on rights granted by both the Constitution and SCOTUS to engage in fair-use timeshifting of broadcast video. The video and audio cartels have been bleating about fair use---and trying to kill new technologies that enable timeshifting---ever since audiocassettes (not to mention player piano rolls), and the issue should have been put to rest by Betamax. To see the FCC complicit in denying rights because the MPAA and the RIAA are still, after a century of examples, trying to kill new technologies is reprehensible and not what the FCC should be trying to accomplish. (If the MPAA had its way, we would not have videotapes today, and their shortsightedness would have cost -their own industry- billions of dollars in videotape sale and rental revenue. They can't even figure out what's good for their -own- businesses---why should they be allowed to pressure the FCC to do ill-considered rulemaking which is -already- clearly anti-consumer?)